

EXTRACTS FROM "THE REPORT OF THE COMMISSIONERS
APPOINTED BY HIS EXCELLENCY JOHN POPE
HENNESSY, C.M.G., GOVERNOR AND COMMANDER-
IN-CHIEF OF THE COLONY OF HONG KONG AND
ITS DEPENDENCIES, &c., &c., TO ENQUIRE INTO
THE WORKING OF THE CONTAGIOUS DISEASES
ORDINANCE IN HONG KONG."

In the month of October, 1877, two unfortunate women in Hong Kong fell from the roof of a house in the attempt to escape from the police. On the occasion of the inquest upon the poor women, the Coroner's Jury recommended "that the whole system of obtaining convictions against keepers of unlicensed brothels be thoroughly revised," adding that "the present practice is, in their opinion, both illegal and immoral."

Hereupon the Governor, "for the furtherance of public interests and with a view to such revision," appointed a Commission "for instituting and prosecuting all needful or proper enquiries in that behalf," and the Report* from which the following extracts are taken is the result of that enquiry.

The Commissioners have done their work carefully and thoroughly, and apparently unhampered by any foregone conclusion, either for or against the system. They say that the object they have kept in view has been to place before the Governor "as complete a record as possible of the operation of the Contagious Diseases Ordinances during the whole time they have been in force." The Commissioners add:—"The details which we have had to consider . . . are, in themselves, too often revolting. But we feel assured that *the subject cannot be grasped as it ought to be in its length and breadth without a knowledge of such details*, and that, as a guide to the future, too much importance cannot be attached to the lessons of the past."

The Commissioners premise that "no *general principle* touching the State-control of prostitution for sanitary purposes has been involved in this enquiry," since they believe that while such principle is recognised by Imperial legislation, they could not properly deal with it. But they add that—

"The practice which has grown up under it has no counterpart in England nor, we suppose, elsewhere, and in our view, whatever difference of opinion may be held as to the law itself, the practice† admits of no defence. WE HAVE BEEN CONSTRAINED TO CONDEMN BOTH, and in the view we entertain, the shadow of a grave responsibility rests on all who are concerned, both in the introduction of this law and in its administration."

* The Report was signed by the Commissioners in December, 1878, and printed early in 1879 for the Colonial Government by Noronha and Sons, government printers, Hong Kong. It is now re-printed by order of the House of Commons, and may be had of any Parliamentary Bookseller. (Paper No. 118, March 11, 1880.)

† The practice thus emphatically condemned does find counterparts in England, France, Italy, &c.; in fact, wheresoever the general principle of State-control of prostitution for sanitary purposes is admitted and acted upon. Various instances of such counterparts will be noted in the following pages.

The next paragraph of the Report is important :—

“ But we should be flinching from our duty if we allowed it to be thought that, in our judgment, this responsibility stops short with the authorities and officers of this Colony. The law was originally introduced, and has been since perpetuated, greatly *through influences from outside*, and in deference to opinions which *have not stood the test of experience*, and the Ordinance 10 of 1867 ” (closely resembling the English Acts of 1866-69) “ received its final sanction when the conclusion arrived at by the Colonial Government was before the Home authorities, showing that, in the event of the Ordinance becoming law, *revenue would be derived from the tainted sources of prostitution among the Chinese*, while it had been decided not to enforce against the houses for Chinese only, those sanitary clauses of the Ordinance which formed its only *raison d'être*.”

Legislation resembling that now in force was first applied to the subject of prostitution in Hong Kong more than twenty years ago. But “ the two main principles ” adopted in 1867 “ prevail in the present day,” and may be thus summarized :—

“ 1. The legalization of houses of ill-fame *in consideration of fees paid to the Government*.

“ 2. The medical examination of the persons of the prostitutes, and their segregation in a Lock hospital for treatment when diseased.”*

The Commissioners go on to notice

“ One curious but most important error into which the originators of this legislation fell, which has had a material bearing upon the whole matter to the present day. We allude to the opinion expressed by Dr. Bridges, the Acting Attorney-General, who expressed himself in the following language: ‘ . . . I believe the prostitutes here to be almost without exception Chinese *who would be thankful to be placed under medical control of any kind* (the italics are Dr. Bridges’), . . . and that whether as regards the unfortunate creatures themselves, the persons who obtain a living by these prostitutions, or the Chinese inhabitants in general, there are fewer rights to be interfered with here, less grounds for complaint by the parties controlled, and fewer *prejudices* on the subject to be shocked among the more respectable part of the community than could be found elsewhere.”

This opinion, the Commissioners say, was confirmed by the late Mr. D. R. Cardwell, but nevertheless it was an utter mistake.

“ . . . The views, *which had never been elicited*, of the Chinese community, who were the persons principally concerned, proved to be so entirely opposed to this theory, that, immediately after the Ordinance came into operation, registered brothels were divided into two classes, one for the use of the Chinese only, and one for foreigners only (the former outnumbering the latter by 4 to 1); and so great has been the detestation of the Chinese of the system of personal examination, that it has been found practically *impossible to apply it to purely*

* The most important documents relating to the institution of this measure, which was entitled “ An Ordinance for Checking the Spread of Venereal Disease,” are given in the Appendix to the Report.

Chinese houses of ill-fame down to the present day. . . . Even this, strictly speaking, illegal division, which was made in Hong Kong between brothels licensed for foreigners only and brothels licensed for Chinese only, was forced upon the officers entrusted with the carrying out of the provisions of the Contagious Diseases Ordinance, by the irresistible nature of the circumstances. . . . None of these brothels for Chinese only have ever been subjected to compulsory medical examination of their inmates, for the simple reason that *every one of these brothels would at once be closed if any such attempt were made*, and the inmates would only go to swell the sly brothels.* . . . However, these Chinese brothels, though untouched by the system of compulsory medication, do not seem to be harbouring more contagious disease than the licensed brothels for foreigners, which are under medical inspection. . . . In most cases when men complained of infection, the disease appears to have been contracted in those brothels licensed for foreigners only, and subject to regular medical examination."

Nevertheless, although deprived of this pretext of sanitary benefit to the population, the law licensing brothels for the sake of pecuniary profit to be made out of the vices of the people, has been and still is maintained by the Government, and the profits thus made are swelled by heavy fines, levied upon the female inhabitants of or visitors to unlicensed brothels.†

* By the laws of China, women are slaves who may be sold by parents or relatives. Yet Chinese men refuse to allow their female slaves to be subjected to surgical violation, while Englishmen frame laws and pay an army of doctors and police to ensure that Chinese slaves and "free" English women shall be subjected to it for the supposed advantage of profligates.

† Mr. Stansfeld, speaking of the English Contagious Diseases Acts, said:—

"Under these laws the Government itself becomes a proeuress for the vices of men. The women come up in troops to the examination-room, often accompanied by men, who wait outside the examination-room till such of them as receive the Government guarantee, a clean bill of health, are allowed to come out and rejoin them . . . We don't license brothels here; we have no need; we license their inmates, and every garret in which some poor creature who goes fortnightly up to the examination-room resides, is, to all moral intents and purposes, a Government-licensed brothel in this country. . . . The law is based and built up upon the immoral and debasing dogma that existing society shall be safely vicious, in order that future society may be physically sound . . . It is based upon the conception that society is so interested in this kind of relationship or contract between men and the women who are their victims . . . that society should not merely enforce the performance of these immoral contracts, but, out of the public rates and public taxes, by an army of State-paid doctors and police, provide that the whole of this so-called trade or profession shall be in a condition to satisfy the requirements of society and the lusts of vicious men."

Mr. Stansfeld has been accused of over-stating the case against the Government in saying these things: the facts stated in the Report of the Hong Kong Commissioners prove that he had very materially understated it. In Hong Kong the Government does not even attempt to provide that the trade in vice which it carries on in that Colony for natives, shall be in a condition to satisfy the lusts of vicious men. It compels the keepers of Chinese brothels to purchase a license, in return for which it dares not even offer the imaginary security offered to Europeans; although it despotically fines and imprisons the wretched women who resort to any brothels but its own. The Commissioners assume that this *indirect* means of deriving revenue from brothel-keeping was "never apparently contemplated by the Legislature;" but they do not explain how it is that this un contemplated revenue has been exacted from the Chinese population ever since the year 1844 solely for purposes of gain.

"The object of the Ordinance, as declared by its preamble," say the Commissioners, "was strictly limited to making 'provisions for checking the spread of venereal diseases within this Colony;' but houses solely for the use of Chinese, did not cease to be registered, nor did revenue cease to be derived from them when it became clear that the sanitary clauses of the enactment could never be applied to them.* Thus, *by indirect means*, never apparently contemplated by the Legislature, was Government supervision or control, independent of sanitary reasons," (but not independent of shameless pecuniary reasons) "established over a very considerable portion of the prostitution of the place."

The Commissioners say that—

"It seems strange, at first sight, that all the evidence goes to show that the inmates of brothels licensed for the use of foreigners are, on an average, a decidedly inferior class of women, *the refuse, in fact, of the brothels licensed for Chinese*, UNLESS RECRUITED THROUGH THE LOCK HOSPITAL FROM THE SLY BROTHELS. . . . Each of the inmates of these brothels," (those licensed for foreigners) "appears to have been, more or less frequently, a resident in the lock hospital."

The Contagious Diseases Ordinance,† as first introduced into Hong Kong, was milder than that now in force:—

"Prostitutes, when in registered brothels, were made subject to medical examination and treatment in the Lock hospitals upon being found diseased, but when in unlicensed houses they were left free from molestation, except in so far as they were liable to prosecution for infecting men with disease. Punishment by fine or imprisonment was reserved alone for the keepers of illicit establishments; . . . the administration of justice was left in its ordinary channel; the method of bringing offenders before the Court was . . . by summons or by warrant upon information; . . . out-door prostitution was not interfered with," &c.

But, although the Ordinance was "worked with energy by all concerned," and "the magistrates certainly threw no obstruction in the way of the working of the Ordinance;" yet it had but "a sort of crippled existence" and failed; and as, while the old law had been in force, the authorities had learned what were the real feelings of the Chinese with respect to the personal examination of prostitutes and the dread which the women entertained of the operation, it was resolved, the Commissioners say, that the new legislation "should inaugurate a more vigorous policy of coercion."

* Mr. Lister (Registrar-General) says:—"Dr. Murray very much wanted to lump the two classes of brothels together, that is, to have the women in registered brothels for Chinese sent up for medical examination in the same way as those for foreigners. Sir Richard McDonnell would not hear of it. I quite agreed with him. I did not see the good of it. *We were not trying to save the Chinese from syphilis.* It would have been a very unpopular thing to do, and there was an impression that *over regulation* was driving the Chinese away from the Colony. The women themselves hated examination, and it would have raised discontent."

† The "counterpart" here is the Act of 1864, as compared with the more despotic Acts of 1866-69. As the Royal Commissioners expressed it, "the Act of 1864 dealt only with disease; the Act of 1866 went further, it sought so far to control the conduct of prostitutes as to render the practice of prostitution, if not absolutely innocuous, at least far less dangerous."

"The key-note of the regime was struck by the Governor's first minute on the subject, dated 20th October, 1866, in which he wrote that he was anxious early to introduce to the Council an amended Brothel Ordinance, conferring, *necessarily*, almost despotic powers on the Registrar-General, modified, when necessary, by bye-laws to be passed by the Governor in Council, and the Ordinance which eventually passed the Legislature certainly fell but little short of his Excellency's intentions."

These "almost despotic powers" are nearly identical with those wielded by the surgeons and police who work the English Acts, and we are told that the Attorney-General, Mr. (now Sir Julian) Pauncefote, "urged the most weighty objections to the policy of 'subjecting persons to fine and imprisonment without the safeguards which surround the administration of justice in a public and open Court,'" and the Commissioners say that they "cannot but regret that these objections were not allowed to prevail."

A significant "Minute" was appended by Governor McDonnell to Mr. Pauncefote's proposal to surround the unfortunate women concerned with some legal safeguards, in which he "fails to see much of the applicability of the Attorney-General's argument" against investing the Registrar-General and Governor with powers of fine and imprisonment, and says that—

"The intimate knowledge which the Registrar-General *must* possess of Chinese usages and feelings, ought, in dealing with the class of cases contemplated by the Ordinance, to be far more serviceable and far more likely to lead to substantial justice* (!) than the weighing of evidence and consideration of legal points which, the Attorney-General thinks, would be so well discharged by the magistrates of police, who are 'selected from the legal profession.' . . . Experience has shown that the evidence which is necessary for arriving at conclusions in points connected with the 'Social Evil' here, *cannot be produced in open Court*. The whole machinery was at a standstill. I have had indubitable evidence of malpractices, but could not obtain convictions, because I *could not get the evidence in open Court*, and yet the Attorney-General wishes to sacrifice the object of the projected legislation to SOME DREAM OF THE NECESSITY FOR MAINTAINING A MAGNA CHARTA PALLADIUM OF LIBERTY for people who do not understand it."

Speaking of a woman charged with the crime of having been infected with disease by some man who is not of course alluded to, even in *decent* secrecy, Governor McDonnell says:—

"Surely no 'legal aptitude' could decide that point, and on reconsideration even the Attorney-General must admit that the peculiar examination necessary would be more decently conducted in the office of the Inspector of Hospitals† than *in open Court*." (The italics here

* The Commissioners have already shown how utterly ignorant of Chinese usage and feelings the whole of these officials really were, and that the "substantial justice" of compelling the Chinese to submit to instrumental violation has never yet been realized by them.

† To this suggestion, that indecent outrages must be decently ordained in secret tribunals, hundreds of counterparts might be found among the utterances of English officials.

are the Governor's own.) "On the whole I am totally opposed to re-opening the door for corruption of Inspectors and obstruction of all the sanitary objects aimed at, by continuing with the police magistrates the powers which they have already shown themselves either disinclined or unable to administer."

The Commissioners go on to say:—"In 1876, by Ordinance 2 of that year, the judicial functions of the Registrar-General were again transferred to the Police Magistrates, but they were authorised to hear cases arising under Ordinance 10, of 1867, *in private*. The powers of the Registrar-General to order common prostitutes for medical examinations and subsequent detention in hospital, were still reserved to that officer. Such is the state of the law as it at present exists."

Before summarizing the evidence given in the Report, it may be useful to quote from the description given by the Commissioners of the various forms of Chinese prostitution, their account of the class known as "protected women:"—

"There is, however, one class of women in Hong Kong who can scarcely be called prostitutes. . . . They are generally called 'protected women.' . . . They occupy a position different alike from the acknowledged concubines of Chinese, and from the mistress of a man living in Europe. . . . The protected woman resides in a house rented by her protector, who lives generally in another part of the town. She receives a fixed salary from her protector, and sub-lets every available room to individual sly prostitutes, or to women keeping a sly brothel, no visitor being admitted unless he have some introduction or secret passwords. If an inspector of brothels attempts to enter, he is quietly informed that this house is not a brothel, but the private family residence of Mr. So-and-so. . . . These protected women are, as a general rule, a happy, contented, and remarkably quiet sort of people, specially noted for their devotion to all the rites and ceremonies of popular Buddhism and Tauism. . . . But this system of 'protected women' having, as is almost invariably the case, under their own protection sly brothels, *the doors of which are absolutely sealed against the intrusion of officers entrusted with the working of the Contagious Diseases Ordinance*,* forms one of the greatest difficulties in dealing with the social evil of Hong Kong. For this system makes the suppression of sly-brothels an impossibility."

* Since the doors of these houses are "absolutely sealed" to the police, it would seem that the existence of "this system" is necessarily an assumption on their part, and in every case wherein the police spies have succeeded, by deception or force, in entering any houses assumed by them to be sly-brothels, the owners have denied the charge, while in the very few cases wherein the fact of prostitution has been proved, that fact has been brought about by bribery (at times even by force) on the part of the informers paid by the English Government to induce or compel the act for which the mistresses or inmates are to be fined, in order to produce "REVENUE from the tainted source" of Chinese prostitution. . . . The English Royal Commissioners have officially recorded their opinion that, in cases of prostitution, the man merely indulges a natural impulse, but the woman *sins*, because she derives "gain" from the transaction. Such is their judgment upon women whose "gains" stand between them and starvation. The question naturally arises, whether the Government *sins* which licenses the women's sin wholly and solely for "gain?"

The following is summarised from that portion of the Report headed, "Prosecutions of Unlicensed Brothels:"—

"In 1860 the prosecutions had risen to 91—in this year the services of informers were first resorted to—an Englishman named Barnes is the first. It is noteworthy that two charges dependent on his evidence were brought forward on the same day; the first resulted in a conviction and a fine on the defendant of 25 dollars; the second in an acquittal, *manifestly* on the ground that *the charge was trumped up*. Inspector Pearce employed police constables as informers, and lent them money for the purpose; in all these instances both inspectors and constables performed their duties in 'plain clothes,' and this plan has always been followed where these officers have undertaken the work of detectives."*

"1861: 91 prosecutions—all of them being dependent upon *evidence* obtained for the purpose of supporting the charges—the inspectors sometimes going alone to the houses themselves as detectives, sometimes accompanied by European constables, sometimes sending constables to act as informers. In another instance, *the Acting Registrar-General* (Mr. Turner) personally acted as a detective and went to the house with a European constable who had connection with a woman. In case 4,896, the Inspector of Brothels (Johnson) presented a woman with a counterfeit dollar, and for accepting it *she* was fined 25 dollars. Year 1862: 85 prosecutions, of which 20 were directed against keepers of unlicensed brothels, all of them, save one, being dependent on evidence obtained for the purpose of supporting the charge, by 'European informers in plain clothes, a master of ship, etc.,' the informer being generally accompanied by an Inspector of Brothels in person. In this year we notice one very remarkable case, where the Inspector of Brothels, a policeman, and the Bailiff of the Supreme Court (to the last of whom the defendant had given a diamond ring) acted as informers or detectives—the *woman* was fined."

The Report of the proceedings in 1863 and 1864 is similar—in this year (1864), "as far as the official records show, public money was first spent by informers in detecting unregistered brothels." The Report for 1865 is similar, but the Commissioners call attention to a case (not given) which they say is "*a typical one*, as showing the *license* which some of these informers were permitted to exercise apparently unchecked and unproved."

The evidence for 1866 is similar. This year—

"Inspector Jones successfully maintained a case against three women upon *his own uncorroborated evidence*, the defendants, notwithstanding their absence from Court, being fined one dollar each, or, in default, three months' imprisonment.

"During this year, for the first time, as far as official records show, Chinese informers were used."

1867: The Report is similar.

"In this year, Police-constable Arch, whose evidence had been discredited in 1865, was again employed twice; in one conviction 20

* *This plan* of employing disguised spies finds its counterpart in England, France and all countries where vice is "regulated" by the Government.

dollars out of the fine of 100 dollars being allowed to the Inspector Peterson. The depositions show that in at least five cases the police and other informers received similar rewards; in three instances 20 dollars, in two five dollars, and Chinese informers received similar amounts." The Commissioners consider that it was proved four times that the women accused had prostituted themselves; in other cases "the records leave it uncertain."

1868: "In all but one case, where a soldier who had been diseased in one of these houses gave evidence, the convictions were obtained on evidence procured to support the charge, the informers being Chinese constables." "On the 8th April in this year, Ordinance 10 of 1867 was proclaimed." This, as already pointed out, is the severer law, which finds its counterpart in the English Acts of 1866-69, but before entering upon an examination of the cases tried under it, the Commissioners say that no serious difficulty had occurred to render necessary the conferring of

"Such extensive and unusual powers on the Registrar-General and Superintendent of Police as to breaking into and entering houses and arresting the keepers without warrant. . . . nor can we find among the following records proof of the necessity of the transfer to the Registrar-General of the judicial powers, since partly re-transferred to the magistrates and partly retained by that officer, under Ordinance 10, of 1867. As a matter of fact, witnesses do not seem to have been at all squeamish in divulging revolting details in open Court, nor, on the other hand, do the magistrates ever seem to have shown too exacting a disposition as to the nature or amount of the evidence they required to sustain convictions; and the astonishing system of detection which had grown up had met, so far as we can see, with neither discouragement nor remonstrance. The zeal of Inspectors of Brothels and informers had been *stimulated* by occasional *solid rewards from the Bench*, and the numerous prosecutions commenced seldom failed to end in conviction and substantial punishment.

"PROSECUTIONS UNDER ORDINANCE 10, 1867."

In 1868: 63 prosecutions (151 defendants,) before the Registrar-General against the keepers and inmates of unlicensed brothels, and 7 against women for out-of-door prostitution.

"The services of Chinese informers," sometimes "*Lokongs probably attached to the Registrar's office*," were employed. Inspectors Peterson and Jamieson visited unlicensed houses in plain clothes together once as informers; Jamieson in plain clothes twice, and disguised in the uniform of a private soldier. He and Inspector Burns acted as detectives, and two European constables were employed as informers. Sometimes informers slept with the women, at others money was given, *which was found on the subsequent visit of the inspector*, occasionally on the woman's person, more frequently under the mat of the bed or other receptacle. . . . "In the third case the women escaped by a ladder; in Case 13 a woman risked her life, by getting out of window upon a sunshade; in Case 14 the woman escaped by the roof; in Case 30

one escaped down a downspout; *the whole of these escapes being at the peril of life and limb.*"*

"From this date (July 1868) the practice has apparently prevailed of arresting *all the women found in unlicensed brothels.*" The Commissioners relate some cases *falsely got up*, in one of which the defendant, having been submitted to outrage and found healthy, was discharged *on security* being given. The cases in 1869 are similar, and the methods of obtaining "evidence" the same. The Commissioners note a case in which

"Evidence was given to throw the gravest doubts on the credibility of the informers," who, however, "being again employed, three women were convicted and fined on their testimony. The knowledge or suspicions of the inspectors or constables as to the mode of life of the women afforded the basis of convictions in four or five cases. Once the Acting Registrar-General himself played the part of informer; in three cases Chinese neighbours came forward in prosecutions, all of which were open to suspicion; one terminated in the discharge of defendant, and a counter-charge of indecent assault against the informer, who had to pay £10 amends. This year the women in Case 24 escaped by the roof."

Year 1870: This year 72 prosecutions against keepers and inmates of unlicensed houses. We abstain from giving details, as they are similar to those in the preceding years, the constables themselves often first hiring for their own use the women against whom they informed, &c.

Year 1871; Only one-half apparently of the records were before the Commission, but there seem to have been instituted 100 prosecutions, in which the details are similar. The Commissioners say:—

"In five instances informers were employed—Foreign police constables acted twice, and the *Ward Master of the Civil Hospital*, named Robert Chapman, once (apparently) in that capacity. In one case Inspector Horton used the *services* of a man named Ward, who had connection with a woman *by the aid* of Government money." Cases 67 and 68 deserve attention as illustrative of the use the Ordinance may be applied to. In the former one Flarey obtained 50 cents. from Horton with a view of charging a woman, claimed by Police-constable Christy as his mistress, as a prostitute, and having, according to his own account, given her the money, he went to bed with her. The

* The reader will find a counterpart to this in the *Revelations* of an ex-Agent of the Morals Police, published by the *Lanterne*, of Paris:—"Sometimes tragedies occur. In the month of February, 1877, at 8. Rue Deperré, we were making a search. An unfortunate girl attempted to escape by jumping from a second storey window, and risking herself upon a glazed roof. These women, do you see, venture I don't know where, to escape from us. The glass broke under her weight. She fell in great agony, and with both legs broken. They carried her to the hospital, and she died two days afterwards. In her last agony she constantly imagined that she was being chased by agents of the Morals Police. She was a dressmaker, named Louise O —, aged twenty-four. She had only three days before left her married sister, with whom she lived. This expedition was conducted by M. Daudet, Commissary of Police. Nothing disagreeable to him arose out of the occurrence." (The translation of these *Revelations* may be obtained from Mr. F. C. Banks, 2, Westminster Chambers, S.W.)

woman was fined 10 dollars. Next day the tables were turned by Police-constable Christy appearing as informer against four women, one of whom was claimed as his kept mistress by Flarey. Christy was supported in his story by two fellow policeman, Dufton and Thomas, and Christy and Thomas both had connection with the defendant."*

Year 1872: During this year "the inspectors were exceptionally active in doing detective service in plain clothes in the streets." We find that among the 135 women put upon their trial many were "punished" in addition to their fines, by being "ordered to be medically examined for various periods," and the reader will remember that it is only "*through the Lock Hospitals*" that women, other than "the refuse of Chinese brothels," are "recruited" for the brothels licensed for foreigners.

Among the paid informers employed were—

"A police-constable, an unemployed steward, an unemployed seaman, a Chinese Lokong, Inspector Lee's boy, the hospital Coolie attached to the examination premises, and a miscellaneous crowd of Registrar-General's servants, boatmen, carpenters, cooks out of service, and the like . . . and inspectors in plain clothes. . . . There would not appear to have been any prosecutions instituted upon *un-official* complaints. . . . We have selected for publication several of the cases in special illustration of that peculiar class of prosecution in which the conviction is obviously based upon the taking of money, which is afterwards *found* by the inspector on the woman . . . For example, in Case 13, Inspector Lee found the money which King" (also inspector) "had given to Low-a-Sin" (the informer) "on the defendant's table. Low-a-Sin declared that he gave the money to the the defendant: she denied having received it. She was, however, convicted. . . ."

The cases in which the inspectors themselves act as detectives furnish some illustrations deserving notice:—

"Case 27, in which Horton, *in the discharge of his duty* 'got into bed' with the wife of a turnkey in the gaol; and Case 67, in which King went disguised as a sailor on the look-out for unlicensed prostitutes, give rise to painful reflection. Case 74 possesses, however, perhaps a deeper interest than any other of this year. There, Horton, having bargained with the first defendant for the deflowering of the second defendant, a child of 15 years of age, arrested them and six others, and the child being taken to the Lock hospital and subjected to medical examination proved to be a virgin. . . . Year 1873: In Case 37, one woman jumped out of window to escape apprehension, and 'hurt herself' so severely as to necessitate her remaining in hospital from the 16th of May to the 24th of June; in Case 42, a girl charged with

* This disgusting case is—the Commissioners say—illustrative of the uses the Ordinance *may* be applied to, or, as might be said, which such Ordinanees will inevitably be applied to. Even if the officials who work them were of good character, they would inevitably be gradually corrupted by their calling. But as men of really high character never accept such a post, the evil influence is more rapid in its effect.

being a prostitute, fractured her leg, presumably in an attempt to escape. . . . During this year we find the system of detection expanded by the plan adopted by one of the inspectors of supplying Chinese informers with money and general instructions to find unlicensed prostitutes."

Year 1874: Similar prosecutions on similar evidence.

"In Case 42, three women were sent for medical examination before conviction. All were found free from disease, and two were virgins. . . . In Case 34½, Private Michael Smith, of the 80th regiment, having received from Horton a dollar to debauch a certain Mrs. Wright at her quarters, stayed on drinking brandy from 10 p.m. to 5 a.m., but did not effect his purpose. . . . During this year there are four examples of that class of case in which the inspector on being called in 'finds' the marked money in some article of furniture; 'on the washstand,' 'behind the looking glass,' etc. . . . It is noteworthy that in case 42, in which two of the girls arrested proved to be virgins, Inspector Whitehead broke into the house and arrested the women, because 'there were reasonable grounds for believing that the house is a brothel,' and that he had 'known men to go into the premises and be accommodated with women,' although to the knowledge of Whitehead they 'did not belong to it.' It is also worthy of remark, that in Case 58, where a man was struck and subsequently punished for trying to obstruct the arrest of a girl, that girl proved to be a virgin, who, according to Horton, had already been 'before this Court,' and that this was one of the cases of marked money."

Years 1875, 1876 and 1877: Prosecutions and evidence similar to those quoted above. In February, 1876, brothel prosecutions were once more transferred to Police Magistrates sitting *with closed doors*. The Commissioners say:—

"It is to be noted that Hung-a-Wai did, as informer, *with the assistance of the public money*, and IN THE INTERESTS OF JUSTICE, have connection with a child 15 years of age; . . . that Soong-a-Wai and Ng-a-Kau were both engaged as informers in 1876 (Case 6,724), when Soong-a-Wai slept with Tai Yau *against her will*, which led to HIS BEING REWARDED and to HER BEING FINED, and to the loss of her child."

The Commissioners add:—

"Having now carefully reviewed the foregoing list of prosecutions, we are of opinion that the system which has been for so long pursued, is one which cannot be too emphatically condemned. It is indeed difficult to regard much that has been done dispassionately. The record of the shameful tasks entrusted in the name of the Government to informers paid by public money . . . of the lawless and immoral proceedings of the Inspectors of Brothels and their underlings—and of the all but unchecked license allowed them in the discharge of their functions, is sufficiently surprising. But it is not alone in the scandals and abuses to which it has given rise that the condemnation of this system has to be sought. The conviction has been forced upon us that justice must, in many instances, have miscarried. While saying this we are, of course, aware that the Courts which tried the charges had advantages not open to us, in seeing and hearing the witnesses,

and in being in a position to study their demeanour. On the other hand, we have read these cases as a whole, and compared them with each other, and we have, moreover, certain evidence before us which does not seem to have been elicited by the Courts. One of the first objections to these informers' cases which has struck us, consists in their extraordinary similitude to each other. They would seem to have been cast in the same mould. Certain proofs were known to be required, and they were always forthcoming.

"The cases may be broadly divided into two classes: (1) Those in which actual connection has taken place between the informers and the women; and (2) those in which marked money has passed, and the women have been convicted on that fact. With reference to the former class, the significance of connection as a proof of prostitution, necessarily depends on whether there had been any and what pre-existing relations between the parties, and on the pretext under which such connection had been obtained; and, as touching the passing of marked money, we find room for the most serious suspicions that it was either often placed by the informers where the inspectors subsequently found it, or that it was not given and accepted for the purpose subsequently deposed to. . . Mr. Lister, who was Acting Registrar-General for over a year, . . . 'became,' he said, 'suspicious of the whole system of convictions against houses for Chinese. I was certain that the informers could not be depended upon for a moment. My inspector employed his own boatmen as informers. I became convinced that I could lock up the whole Chinese female population by this machinery.'

" . . . The absence from the Ordinance of 1867 of any definition of the terms 'prostitute' and 'brothels,' . . . has given the Courts a very wide discretion, and may, to some extent perhaps, serve to account for some convictions which have seemed to us unsatisfactory."*

After showing that the officials take different views as to what houses should be considered brothels and what constitutes prostitution, the Commissioners say:—

"But, then, in what proportion of the decided cases was there any proof that the women convicted had promiscuous intercourse with men, and gained their living by it? In the majority of cases, certainly, even where intercourse had taken place with the informer, there has seldom been anything to show that the woman has had commerce with more than one man, and we have already seen how unsatisfactory a proof this fact may be of prostitution."

With regard to the abuse of law by the inspectors, the Commissioners say:—

" 'The powers of the inspectors,' as Mr. Smith (Registrar-General) puts it, 'are simply those delegated to them by the Registrar-General. They have no right to do anything of an excessive nature without communicating with the Registrar-General and getting his permission.'

* Mr. Alfred Lister says upon this point:—"Practically I was never troubled by the want of a definition of prostitute or brothel, *because I knew what I myself meant*, but if a troublesome case had arisen, and been appealed, I might have been."

If an inspector suspected a house he would state his suspicions to the Registrar-General; the Registrar-General would make enquiries as to the grounds of suspicion from him. If they are clear he would be told to get witnesses.' These are the requirements of the law accurately stated. The inspectors have no right or authority to act in any case before the Registrar-General or Superintendent of Police (who, however, has taken no part in the matter) has exercised his mind on the case, and deputed his officers to take proceedings in reference to it. This is the reasonable safeguard provided by the law against *abuse of very unusual authority*. Unfortunately it seems to have been too often neglected. Mr. Lister would not seem to have paid any attention to it from the first, for he says, 'as a general rule the first thing I knew of a case of an unlicensed brothel coming before me was the finding of a string of women in my office in the morning.' . . . The Ordinance does not, in terms, provide any mode of bringing these inmates before the Court, but by Section V. full power was reserved to the Registrar-General 'to do whatever a Police Magistrate is by any Ordinance of this Colony authorised to do,' including the power of issuing summonses, and, where necessary, warrants, conferred upon Police Magistrates and Justices of the Peace by Ordinance 10, of 1844. But this mode of procedure is not the one which has been followed, it having been the practice of the inspectors almost from the time when the Ordinance was brought into operation, to arrest all women indiscriminately who were found within any suspected brothel upon its being broken into. . . . On this point we have invited explanations from Mr. Smith and Mr. Lister. . . . Mr. Smith says:— 'Under Section 20 of Ordinance 10 of 1867, a police officer receives authority to enter premises suspected to be used as an unlicensed brothel, and to arrest the keeper, and being therefore in such house by lawful authority, he makes the other arrests as indicated.' We find the greatest difficulty in accepting this construction of the law on this very important point. It seems to us that under Section 20 of Ordinance 10, of 1867, a police officer receives no authority of the kind. That section confines the extraordinary power of breaking and entering houses and arresting without warrant to the Registrar-General and the Superintendent of Police, or 'to any constable or other persons deputed by them, or either of them, for the purpose.' The Registrar-General, therefore, certainly could not depute to others authority not possessed by himself. Moreover, neither Ordinance 14 of 1845, nor Ordinance 9 of 1862, give power to a constable to break and enter dwelling-houses without warrant, and therefore the summary arrests therein authorised necessarily mean out-door arrests. But the matter stands on a broader ground than is opened by technical objections. The fact that the Ordinance, while conferring extraordinary powers with respect to summary arrests of keepers and out-door prostitutes, stopped short there, affords to us a conclusive reason that the Legislature never contemplated such a method of procedure being applied to inmates. As a *highly penal Ordinance*, it is one which requires strict construction, and terms not fairly contemplated by it should not have been sought to have been *imported by a side-wind*, especially as the Ordinance itself presents on this point no difficulty or obscurity.

"The difficulty of discriminating between keepers and inmates* mentioned by both Mr. Smith and Mr. Lister, seems to us to afford but little excuse for the *wholesale summary apprehensions of women not liable to such arrests*. None of the *many young girls so arrested* could have been mistaken for keepers. But where the circumstances were such as not to permit the necessary classification, surely it would have been the better practice to trust to a summons than to LAY VIOLENT HANDS AT THE DEAD OF NIGHT ON NUMBERS OF TERRIFIED WOMEN WHO HAD JUST BEEN ENTICED TO THEIR OWN UNDOING BY THE PAID AGENTS OF THE DEPARTMENT. Hundreds of women have, however, as it appears to us, been illegally arrested. Many in their wild alarm at the degrading punishment which they had too much reason to fear would follow their capture, risked their lives in efforts to avoid it. Some had their limbs fractured, and, at length, as we know, on the night between the 16th and 17th October, 1877, two were killed. That the two women whose death gave rise to the appointment of this Commission were mere inmates there seems no room to doubt. . . . But the illegality of the arrests of these women does not depend upon the question of their having been mere inmates, because we have no hesitation in saying that the whole proceedings, certainly so far as they concerned 42, Peel Street, were totally illegal, *ab initio*. . . . The practice of making these arrests began when Mr. Lister was in office, nearly ten years ago, and had been continuously followed up till the 17th October, 1877.† Mr. Lister is practically certain that he took advice before commencing it, but he is not certain whose, and there is nothing in the records before us to show."

"SEIZING MARKED MONEY.

"We have seen that it has been the habit of the inspectors to seize, or compel the inmates of licensed houses to return, the marked monies paid to them by the informers, but under what colour of right this has been done we are at a loss to understand. True it is that residing in, frequenting, or being found in an unlicensed brothel has been made an offence against the law, liable, upon proof, to punishment. But the law nowhere says, so far as we can discover, that the earnings of such an offender shall be confiscated to the Government, still less that they shall be searched for and seized without warrant or legal process. When the marked money passed to the woman in consideration for benefits received or to be received by its agents, it ceased, as it seems to us, to be the property of the Government, and the fact of the coin or note having been marked, cannot have made any dif-

* This difficulty seems to have disturbed Mr. D. R. Caldwell, Registrar-General, also, but on other grounds. He writes in alarm to the Colonial Secretary (in March, 1860) to "solicit attention" to "the proper construction of the word 'in-mate,'" saying: "If this refers *only* to the prostitutes residing in the house, and which I think may fairly be presumed to have been the intention of the framer of the Ordinance, *the matter is easy enough*. But if it be held to include every person residing in the brothel . . . the question is attended with some grave inconveniences . . . it would subject not only the prostitutes, but also the mistress of the house and every other female member of her family, *NAY, EVEN THE MALES*, to the examination of the Colonial surgeon."

† The date of the death of the two women.

ference in the proprietorship. The inspectors surely never had any more shadow of legal right to seize these monies than any other portion of the woman's belongings." . . .

The Commissioners point out that the Ordinance in force in the Colony (which they quote at length)—

"Cannot bear any other construction than that the Registrar-General is to be satisfied, by independent testimony on oath, that any woman is a *common prostitute*, before subjecting her to medical examination, and that, being so satisfied, he may submit her to a periodical medical examination. But turning to the records we find such sentences as the following:—'Both defendants sent for examination; if *found diseased*, to be fined 15 dollars each or six weeks.'"

And again,

"Fifth defendant sent to hospital, first defendant remanded for Dr. Murray's evidence.* Dr. Murray certifying fifth defendant to be undoubtedly diseased, first defendant" (apparently the brothel-keeper) "is fined fifty dollars or two months. This is part of the machinery by which Mr. Lister 'became convinced he could lock up the whole Chinese female population.'"

The Commisisoners called the attention of the Registrar-General, Mr. Smith, to the fact that women were ordered for examination who had never been proved to be common prostitutes, but Mr. Smith, they say—

"Cannot re-call to mind ever having done what he supposed we alluded to, but we have in our mind two cases decided by Mr. Smith, amongst others, which specially prompted our enquiry. . . In the former were two defendants, one described as 19, the other as 14 years of age, against whom it is difficult to see that there was any reasonable evidence of being common prostitutes, being remanded, and while under remand being ordered to the Lock hospital for medical examination, where they proved to be virgins. In the latter, we come again upon a case in which a girl of 14, when under remand, was ordered for medical examination, who also turned out to be a virgin. In Case 74 of 1872, a girl, aged 14, *while out on bail*, was taken to the hospital for medical examination, by Inspector Horton. . . This girl proved to be a virgin.

". . . Case 58 of 1874, which finally led to so grave a scandal, affords in itself an illustration of most of the objectionable or illegal practices on which we have commented. (1.) Chinese informers were employed, one of whom was a police constable. (2.) Two inmates were arrested. (3.) The inspector struck a man for trying to prevent the *illegal* arrest of one of the inmates. (4.) The fourth defendant was arrested for, so far as can be seen, no offence. (5.) A woman's room was illegally searched, and money illegally seized. (6.) A fine

* Concerning Dr. Murray, Mr. Alfred Lister, Registrar-General, says: "I think Dr. Murray was governed by caprice more than anything else in admitting and discharging women into and from hospital, and not by any principle: the number of admissions depended on expediency, and on the *amount of pressure put on him by the Governor*."

was imposed on the fourth defendant for no legal offence. (7.) And lastly, a girl was sent for medical examination who was not a common prostitute."

The Commissioners comment severely upon the practice in force since 1876—

"Of sending convicted women for medical examination, after they have been permitted to pay the fines imposed upon them. . . . According to the evidence of the interpreter, 'no woman is informed when she pays her fine that she is still liable to detention in the Lock hospital. I have heard many women say, 'If I had known that after paying the fine I should still have to be examined I would not have paid.' . . . Mr. Bedell Le Yuen says, . . . 'I think the going to hospital to be examined was a greater punishment than being fined.'

"We consider that to allow women to pay fines which they doubtless regarded as the price of their liberty, and then subject them to further and still heavier punishment, has been to treat them with needless severity.

"We have now considered the compulsory system which has been in force for the last twenty years in various aspects. The extreme gravity of the evils *inseparable from it* cannot be denied. . . .

"We wish to add a word or two on the subject of prosecution against women for infecting men with venereal disease."

With regard to the "benefits" to the women arising from Government supervision, the Commissioners differ from the officials employed. They say:—

"Mr. Smith" (Registrar-General) "thinks with regard to these women, 'Government supervision does ameliorate their condition somewhat. The women are periodically seen in these houses by the inspectors, and the *cleanliness* and *comfort* of the houses is carefully looked after.'

"With the internal cleanliness and comfort of brothels WE THINK THE GOVERNMENT HAS BUT LITTLE TO DO. It is the affair of those who reside in, and frequent them. But the amelioration of the condition of the inmates is a matter which certainly stands on a different footing, and is one in which the Government has a deep interest. We regret that on this point, we are not in a position altogether to endorse the opinion of Mr. Smith. It seems to us, having regard to the evidence given to us by the brothel-keepers whom we have examined, that *everything* which strikes foreigners as most objectionable in the Chinese brothel system FLOURISHES PRACTICALLY UNCHECKED WITHIN THE REGULATED INSTITUTIONS. Young girls, virgins of 13 or 14 years of age, are brought from Canton or elsewhere, and deflowered according to bargain, and as a regular matter of business, for large sums of money. . . . The unfortunate creatures obviously form subjects of speculation to regular traders in this kind of business, who reside beyond our jurisdiction.

"In most of the regular houses the inmates are more or less in debt to the keepers, and though such debts are not legally enforceable, a custom, stronger than law, forbids the woman to leave the brothel until her debts are liquidated. . . . The women in brothels for foreigners frequently change from house to house, but only, as it

would seem, to change from one servitude to another. . . . As to the brothel-keepers there is nothing known of them further than that there is nothing known against them, and that they are supported by capitalists. Mr. Lister refers to them as 'a horrible race of women, cruel to the last degree, who use an ingenious form of torture, which they call "prevention of sleep," which he describes in detail. Mr. Pang-Ui-Shang says: 'the fact of licensing these brothels gives the keepers a sort of official authority. The keepers are a haughty sort of people, and they boast of the protection of the inspectors.' Mr. Bedell Le Yuen states: . . . 'I do believe that mistresses are friends of the inspectors, and that the mistresses threaten the girls with the medical examination and with the inspectors, especially when girls want to have their names taken off the register.' Ho-Ui-Shang, formerly interpreter, also told us: . . . 'Girls wanted to free themselves, and the mistresses offered me money to prevent their doing so.' . . . It seems that, although the Brothel Ordinances did not call into being this 'horrible,' 'cruel,' and 'haughty' race of women, they have armed them with odious powers, which they would not otherwise have possessed, and there is consequently reason to apprehend that *Government supervision accentuates, in some respects, rather than relieves the hardships of the servitude of the inmates.* . . . One of the objects of the prosecutions of inmates of unlicensed brothels was, as we know, TO COMPEL THESE WOMEN TO ENTER LEGALIZED HOUSES. It is, however, a serious question whether passing from an unlicensed to a licensed house is not too often a step downwards in the career of a prostitute. Foreigners know but very little on the subject, but it is only reasonable to conclude that the status of Chinese prostitutes, miserable as it appears to us, is subject to a great many palliatives from causes partly inherent in the nature, education, wants, and ideas of the women themselves, and partly due to that unwritten law of custom which is so powerful in China. Any foreign system, benevolently designed for their good, is likely to strike wide of the mark.

"This position can be illustrated by taking the case of the keepers. Now, under every system, and whether here or on the mainland, these people doubtless form a race of rapacious harpies. But within the Empire they are only tolerated, and here, when not licensed, they carry on an illegal business subject to prosecution, but give a woman of such a class a license and let her pay for it, and how can she regard herself otherwise than as *a favoured instrument of Government*, holding a passport to fortune, and a charter to make it quickly and as best she can? The accustomed and familiar restraints are removed, and the artificial checks incidental to Government supervision are of that kind which can be most easily evaded." With regard to Government supervision of brothels, which, they say, "practically means the supervision of inspectors and interpreters," the Commissioners say:—

"The intention of the Government under the Ordinance of 1857 apparently was, that it should be worked with the aid of the whole body of police, but as early as 1860 we find the Registrar-General (Mr. R. D. Caldwell) reporting to the Colonial Secretary that 'upon the first promulgation of the Ordinance the superintendent of police manifested an indisposition to interfere in the working of it from a

belief that it opened a door to corruption of the members of the force under him.' And Mr. May, the superintendent of police alluded to, has himself told us that 'he is certain he would have never permitted the police to have anything to do with the control and supervision of brothels under the ordinance, being apart from the general objects of police duties, and from a great probability of its leading to corruption.' It thus came about that on Mr. Caldwell's application, the office of Inspector of Brothels was created, and the holder of it was invested by Government with legal authority to enter brothels. . . . In 1866, an assistant-inspector and a second assistant-inspector were appointed. . . . These posts, though fairly lucrative, do not seem to be coveted by men of very high class. . . . Mr. Creagh says that the post is not one 'which any of our inspectors would take. *They look down on the post.* . . . Constables, or perhaps sergeants, would take the post *for the pay.*' . . . Mr. Deane says: 'My inspectors and sergeants would so strongly object to taking the office, that I should be unable to get anyone upon whom I could rely. The inspectors of police look down on the inspectors of brothels.' . . . Mr. Lister was always uneasy about his inspectors, because he says 'The Registrar-General is very much dependent on the inspectors, and their temptations are exceedingly great. An inspector might easily double his salary, that is, he could do so without giving rise to suspicions, or without squeezing the people to such an extent as to give rise to complaints.' Mr. Wodehouse thinks 'there is also room for the inspectors to abuse their powers, and to extort money either by threats or as hush-money. *Both these risks appear to be inseparable from the present system.*' . . .

"The question with which we are now concerned is whether results like the foregoing could not have been better achieved by the ordinary process of law, and without any special Government supervision by means of inspectors holding exceptional powers. . . . It is clear, at any rate, that the duties which these officers have to perform *are hopelessly demoralising.*" . . .

As regards the attitude of the Government towards the Brothel Laws, the Commissioners say:—

"There are many things in the attitude of the Government towards the brothel system which are eminently unsatisfactory. In the first place, the principle of *licensing houses of ill-fame in consideration of fees paid*, seems, in itself, highly unsatisfactory. Mr. Smith has told us that 'Ordinance 10 of 1867 was formed on the basis of the Imperial Act (1866), as far as the circumstances of the Colony would admit.' But Imperial legislation has certainly never recognised brothels as an institution, nor made the licensing of them a matter of revenue. Moreover the imperative sanitary reasons which formed the ostensible, and indeed the only admissible ground for establishing Government relations with brothels, only hold good with respect to one-third of the *privileged establishments*, and the great majority have been allowed to contribute funds year after year towards a sanitary scheme, the benefits of which their inmates have refused practically to partake of. In the next place there is much that is compromising to the Government in the ridicule and contempt in which women subject to medical examination are held by their countrymen, and in the circumstance

that the fines of unlicensed prostitutes are, as we have been told, sometimes PAID AT THE EXPENSE OF RENEWED OR PROLONGED CONTINUATION OF THEIR SERVITUDE, OR THE SALE OF THEIR CHILDREN. . . .

“To sum up briefly the results of our enquiry, we are of opinion : (1.) That the prosecutions, which have been conducted both under the Ordinance of 1857 and of 1867, have been attended with serious scandals and abuses, and that the system of informers employed in the detection of illicit prostitution *cannot be too emphatically condemned*. (2.) That, as regards the suppression or termination of unlicensed houses and unregistered prostitutes, *such precautions have been ineffectual*. (3.) That the number of women caught under sanitary regulations has always been, as compared with those left unregulated, insignificant; and that *there is no sufficient evidence to show that the spread of venereal disease has been checked or prevented, or its type modified by the operation of the brothel laws*. (4.) That *licensed* brothels for foreigners are in themselves *sources of infection*, and that the evidence before us points to *these establishments*, rather than to unlicensed houses, as *causes of disease to soldiers and sailors*. (5.) That Government has exercised a sound discretion in not applying the medical clauses of the Ordinances to houses for the sole use of Chinese, and that any attempt to do so would end in mischievous failure. (6.) That Government supervision of houses for the sole use of Chinese has had no appreciably beneficial results; . . . and that such houses should never have been made a source of revenue. (7.) That the employment of Inspectors of Brothels has been a frequent source of abuse and corruption; that the work they have to perform is *thoroughly demoralising*. . . (8.) That the medical examination of the person is odious to Chinese women, . . . that the system is disliked by the whole Chinese community, and is open to the gravest misconceptions on their part. (9.) That the quasi-official recognition of houses of ill-fame, implied by granting them licenses in return for fees paid, is a very objectionable system (*sic*) in the existing brothel system, and imposes on the Government responsibilities which it cannot adequately fulfil.

“Our conclusions, therefore, being *on all points unfavourable* to the existing brothel system, we should, had we been prepared to act altogether upon our own convictions, HAVE RECOMMENDED ITS ENTIRE ABOLITION AND THE REPEAL OF THE ORDINANCE; and that PROSTITUTION BE LEFT TO BE DEALT WITH SOLELY AS A MATTER OF LAW AND ORDER. But as the high naval and military medical authorities, to whom we referred the papers, have, upon the same facts and figures as we have founded our opinions on, arrived at conclusions, as to the sanitary results of the Ordinance, *which do not coincide with our own*, and as we fully recognise the value of those conclusions, we recommend that all prosecutions against the keepers and inmates of unlicensed brothels, which we have been told and which we believe, are bound up with the system of informers hitherto employed, SHOULD BE DEFINITELY ABANDONED.

“We think it most probable that, without compulsion of criminal liability, a class of women will be found as heretofore, ready to enter as inmates of licensed brothels for foreigners, and to subject themselves to periodical examination and segregation in hospital in the event of their being infected, in consideration of the real or supposed advantages

in the way of business their recognised position will afford them. But in any event, we are distinctly of opinion that THE CONTINUANCE OF THE SYSTEM OF PROSTITUTION HITHERTO PURSUED IS ENTIRELY OUT OF THE QUESTION. . . . We recommend that no prosecutions against women for infecting men with venereal disease be allowed to be instituted in future. We advise that both in the examination of their persons, and in their medical treatment, the feelings and prejudices of the women should be consulted as far as possible. *Sanitary regulations ought not to be converted into a means of punishment* further than the absolute necessity of the case requires; and we think that the less irksome and distasteful the rules for the sanitation of women are made, the less likely are they to be evaded.

“Finally, we recommend that an Ordinance be laid before the Legislative Council, embodying the Amendments in the law which we have suggested.

“THOS. C. HAYLLAR.

“E. J. EITEL, *Chairman*.

“*December, 1878.*”

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